

**SANITARY CODE**  
**LINCOLN COUNTY, KANSAS**

**CHAPTER 1**

**ADMINISTRATIVE PROCEDURES**

**1.1      AUTHORITY AND POLICY**

**1-1.1      Legal Authority.** This code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 and K.S.A. 19-101.

**1-1.2      Declaration of Finding and Policy.** The Commissioners find that the provisions of adequate and reasonable control over environmental conditions in the county is necessary and desirable. A sanitary code establishes standards to eliminate and/or prevent the development of environmental conditions that are hazardous to the health and safety, and promotes the economical and planned development of the land and water resources of the county. For these reasons and objectives, it will be the policy of the Board of County Commissioners to adopt, and amend when necessary, a sanitary code for the regulation of practices that affect the environmental and public health and safety.

**1-1.3      Purpose.** The purpose and intent of this chapter is to prescribe the administrative procedures to be followed in administering this sanitary code or any amendments thereto.

**1-1.4      Title.** This code shall be known and referred to as the Lincoln County Sanitary Code.

**1-1.5      Applicability.** The procedures prescribed in this chapter shall be followed in administering this code and any amendments thereto.

**1-1.6      Effective Date.** This code shall become effective 90 days after date of adoption.

**1.2      DEFINITIONS.**

The following words, terms and phrases appear in more than one chapter of this code and thus have general application and usage. Words, terms, and phrases appropriate or applicable to specific chapters within this code may be found in that particular chapter.

**1-2.1      Administrative Agency** means the entity authorized to administer and implement the provisions of this code. The Administrative Agency for Lincoln County is designated as the Lincoln County Board of Commissioners.

**1-2.2      Administrative Rules** means those rules contained in chapter one of this sanitary code which prescribe general procedures to be followed in the administration of the sanitary code adopted by the county.

**1-2.3      Board of County Commissioners** means the Board of County Commissioners of Lincoln County, Kansas.

**1-2.4      Board of Health** means the Lincoln County Board of Health.

**1-2.5      Hearing Officer** means an individual, appointed by the Administrative Agency, to hear appeals from decisions relating to the administration of this code.

**1-2.6** **Person** means an individual, corporation, partnership, association, state, or political subdivision thereof, federal, state agency, municipality, commission, or interstate body or other legal entity recognized by law as the subject of rights and duties.

**1-2.7** **Premise** means any lot or tract of land and all buildings, structures, or facilities located thereon.

**1-2.8** **State Department** means the Kansas Department of Health and Environment.

### **1-3** **ADMINISTRATIVE POWERS AND PROCEDURES**

**1-3.1** **Right of Entry.** Representatives of the Administrative Agency shall have the power and authority to inspect premises for compliance with the Lincoln County Sanitary Code on a complaint basis filed by a person.

#### **1-3.2** **Permit and License.**

- a. **Denial of Permit or License.** If a permit or license is denied, the Administrative Agency shall send the applicant a written notice and state the reasons for rejection.
- b. **Permit Nontransferable.** No permit or license required by this sanitary code shall be transferable, nor shall any fees required and paid therefore be refundable.
- c. **Permit Revocation.** All permits are subject to revocation for reasons of noncompliance or misrepresentation.
- d. **Standard Fees.** The Administrative Agency may establish a schedule of fees sufficient to recover direct and indirect costs of processing all permits and licenses required by the code, and said fees shall be paid into the Lincoln County General Fund. The Administrative Agency may not process a permit or license until the required fee has been paid to the Lincoln County Clerk.

### **1-4** **NOTICES, ORDERS, APPEALS.**

**1-4.1** **Notice of Violations.** When the Administrative Agency determines that there has been a violation of any provisions of this code, notice of such violation shall be issued to the person responsible. The notice shall:

- (1) be in writing;
- (2) include a statement of why the notice is being issued;
- (3) allow a reasonable period of time for performance of any work required by the notice; and,
- (4) be properly served upon the owner or agent. Such notice shall be deemed properly served when a copy has been sent by certified mail to the last known address of the owner or agent.

**1-4.2** **Appeal for Hearing.** Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this sanitary code may request, and shall be granted, a hearing on the matter before the Hearing Officer; provided such person shall file with the Administrative Agency, within ten working days after the date of issuance of the notice or order, a written petition requesting a hearing and setting forth the grounds upon which the request is made. The filing of the request for a hearing shall operate as a stay of the notice or order. Upon receipt of such petition, the Administrative Agency shall confer with the Hearing Officer and set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to show why such notice or order should be modified or withdrawn. The hearing shall be commenced no later than ten working days after the date on which the petition was filed; provided, that upon request of the petitioner, the Administrative Agency may postpone the hearing for a reasonable time beyond such ten-day

period, when in the Agency's judgment the petitioner has submitted justifiable reason for such postponement.

**1-4.3 Report of Hearing.** Within ten working days after such a hearing, the Hearing Officer shall submit the findings of the hearing in writing to the Administrative Agency. The finding shall include a recommendation that the order be sustained, modified, or withdrawn. Upon the receipt of the report of the Hearing Officer, the Administrative Agency shall consider the report and issue an order confirming, modifying or withdrawing the notice or order, and shall notify the petitioner in the same manner as is provided for the Section 1-4.1.

**1-4.4 Emergency Orders.** Whenever the Administrative Agency finds that an emergency exists which requires immediate actions to protect the public, the Administrative Agency may issue an order reciting the existence of such an emergency, and specifying action to be taken to meet the emergency. Such an order shall be effective immediately. Any person to whom such an order is directed shall comply immediately.

## **1-5 RECORDS.**

**1-5.1 Permits.** Permits or licenses required by this code shall be filed at the direction of the Administrative Agency.

**1-5.2 Official Actions.** A written record of all official actions taken on permits or licenses required by this sanitary code shall be kept on file at the direction of the Administrative Agency.

**1-5.3 Proceedings of Hearings.** The proceedings of all hearing, including findings and decisions of the Hearing Officer, and a copy of every notice and order related thereto shall be filed with the Administrative Agency. Transcripts of the proceedings of hearings need not be transcribed unless a judicial review of the decision is sought.

## **1-6 GENERAL PROVISIONS.**

**1-6.1 Enforcement Procedure.** The County Attorney or County Counselor shall enforce the provisions of this code and other sanitary codes adopted by the county and is hereby authorized and directed to file appropriate actions for such enforcement, upon request of the Administrative Agency. Actions of injunction, mandamus, and quo warranto may be utilized for enforcement of these codes and shall be governed by the provisions of the Kansas Code of Civil Procedure.

**1-6.2 Penalties.** In addition to, and independently of, the enforcement procedures provided in Section 1-6.1, any violation of any provision of a sanitary code shall be deemed to be a misdemeanor and upon conviction, shall be punishable by a fine not to exceed two hundred dollars (\$200) for each offense. Each day's violation shall constitute a separate offense.

**1-6.3 Waiver of Requirements.** The Administrative Agency shall have the authority to grant exceptions for existing and unusual cases where compliance with the requirements of any section of this chapter is not feasible. The waiver must be requested in writing, must justify the exception, and must provide reliable data to show that such a waiver does not and will not harm the waters of the state nor create a nuisance. When these conditions are met, the Administrative Agency shall have the authority to waive the requirement by replying in writing.

**1-6.4      Disclaimer of Liability.** This code and other sanitary codes adopted shall not be construed or interpreted as imposing upon the county or its officials or employees (1) any liability or responsibility for damages to any property, or (2) any warranty that any systems, installation or portion thereof that is constructed or repaired under permits and inspections required by the sanitary code will function properly.

**1-6.5      Separability.** If any clause, sentence, paragraph, section or subsection of this code shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence paragraph, section or subsection found to be unconstitutional and invalid.

**SANITARY CODE**  
**LINCOLN COUNTY, KANSAS**

**CHAPTER 2**

**ON-SITE WASTEWATER MANAGEMENT**

**2-1      PURPOSE AND INTENT**

Sewage is a potential source of disease and water pollution, and a hazard to the health and safety of the public. It is the purpose of this chapter to provide minimum standards for the location, design, construction, maintenance and use of on-site wastewater systems, and the removal and disposal of materials from such facilities within the legal boundaries of Lincoln County.

**2-2      APPLICABILITY**

The provisions of this chapter shall apply to all unincorporated areas and to any premises under one ownership which is comprised of less than 1280 acres in area located in Lincoln County, Kansas.

**2-3      DEFINITIONS**

**2-3.1      Beneficial Use** means the use of water for any of the following purposes: agricultural water supply; aquatic life; domestic water supply; groundwater recharge; industrial water supply; recreation.

**2-3.2      Domestic Sewage** means sewage which is normally characterized as and is similar to residential wastewater, not commercial or industrial activity, and which originates primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks of a ~~residential~~ dwelling.

**2-3.3      Nuisance** means conditions or activities on properties both public and private, which have or threaten to have a detrimental effect on the environment or the health of the public.

**2-3.4      Private Wastewater System** means any system which is not required to hold a Kansas Water Pollution Control Permit pursuant to K.S.A. 65-165. This includes wastewater disposal systems which function by soil absorption, evaporation, transpiration, holding tanks, or any combination of the above.

**2-3.5      Sanitary Privy** means a facility designed for the disposal of non-water carried wastes from the human body.

**2-3.6      Sanitary Service** means the pumping out and/or removal of sewage, sludge, or human excreta from privies, vaults, septic tanks, or private wastewater disposal systems; and ~~the~~ transportation of such material to a point of final disposal.

**2-3.7      Subdivision** means any tract of land that is or has been subdivided into two or more lots for the purpose of sale or building development, whether immediate or future, including the streets, alleys, or other portions thereof intended to be dedicated for public use, and any re-division of lands.

**2-3.8**      **Vault/Holding Tank** means a water-tight receptacle for the retention of sewage either before, during, or after treatment.

**2-3.9**     **Wastewater Systems** means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat, and dispose of domestic, industrial, or commercial waste.

## **2-4**        **PROHIBITED PRACTICES**

**2-4.1.1**   **Use of Non-approved Private Systems.** No person shall use, or cause to be used, any private wastewater system or sanitary privy constructed after adoption of this sanitary code until it has been inspected and approved by the Administrative Agency or if it:

- a.        has been enjoined as a public health nuisance by a court of competent jurisdiction; or,
- b.        fails to comply with the provisions of this sanitary code, and written notice thereof has been given by the Administrative Agency; or,
- c.        discharges onto the surface of the ground, or waters of the state as defined in K.S.A. 65-161 (a) or,
- d.        causes vector breeding, or produces offensive odors or any condition that is detrimental to health.

**2-4.2**     **Use of Private Wastewater System Within 400 Feet of Public Sewer.** No private wastewater system shall be constructed within 400 feet of an existing public sewer, unless the Administrative Agency finds that connection to such a sewer is not feasible and that a private wastewater system, meeting the requirements of this code, can be constructed on that property.

**2-4.3**     **Location of Private Wastewater System Below Full/Flood Pool.** No portion of a private wastewater system shall be located below the flood pool elevation of any reservoir or full pool elevation of any pond, lake, or water supply reservoir.

**2-4.4**     **Location of a Private Wastewater System From a Nonpublic Water Supply Well and Property Lines.** No portion of a private wastewater system shall be located less than 50 feet from a nonpublic water supply well or a water line from a water well. No sanitary sewer line, regardless of construction, shall be located less than 10 feet from a nonpublic water supply well or a water line from a water well. No portion of a private wastewater system shall be located less than 25 feet from property lines of the premises it serves.

**2-4.5**     **Location of a Private Wastewater System From a Public Water Supply Well.** No portion of a private wastewater system shall be located less than 200 feet from a public water supply well.

**2-4.6**     **Use of Private Wastewater System for Disposal of Non-Domestic Waste.** Discharge of industrial or commercial waste to a soil absorption system is prohibited. Any such system in effect at the time of adoption of this code shall cease and desist immediately.

## **2-5**        **REQUIREMENTS FOR PRIVATE WASTEWATER DISPOSAL SYSTEMS**

**2-5.1**     **Approval of Plans.** After adoption of this code no person shall develop any private wastewater system until the plans and specifications for such system have been approved by the Administrative Agency. References approved by the State Department may be used as a guide by the Administrative Agency in reviewing and approving plans for private wastewater disposal systems.

**2-5.2**     **Permit.** No person shall construct or modify, or permit to be constructed or modified, any private wastewater system until a permit has been issued by the Administrative Agency.

- 2-5.3 Suitable Site.** No site shall be approved if:
- connection to an approved public wastewater system is feasible or the site violates the provisions of Section 2-4 of this code; or,
  - the site contains less than three acres of land exclusive of roads, streets, or ~~dr~~ public rights-of-way or easements; or,
  - the soil, topography, and geology do not meet the requirements set forth in Section 2-6.

**2-5.4 Construction Approval.** All private wastewater systems developed or modified after the effective date of the sanitary code must be inspected and approved by the Administrative Agency for compliance with the approved plans. No portion of the system shall be covered or made inaccessible to inspection prior to approval.

**2-5.5 Proper Maintenance and Operation.** All private wastewater systems shall be maintained in good working condition. Whenever the Administrative Agency finds any private wastewater disposal system in violation of this code, the owner and/or user shall be ordered to correct the condition.

## **2-6 MINIMUM STANDARDS FOR SOIL TOPOGRAPHY AND GEOLOGY**

No private wastewater system which is dependent upon soil absorption for the disposal of wastewater, shall be constructed on any lot of any size unless minimum standards for percolation rates, soil profiles and depth to impervious rock or groundwater are met. These tests shall be the responsibility of the person applying for the permit. A representative of the Administrative Agency shall visit the site to observe the results of the tests. With percolation rates of one (1) inch per hour or more, a soil absorption system or other approved alternative system shall be installed. If the percolation rate is less than one (1) inch per hour, a waste stabilization pond or approved alternative system shall be installed. Special exemptions, approved by the Administrative Agency, may be issued.

## **2-7 REQUIREMENTS FOR WASTE STABILIZATION PONDS.**

**2-7.1 Plans.** No person shall construct or modify any waste stabilization pond until the plans and specifications for the proposed construction and/or modification have been approved by the Administrative Agency. No person shall construct or modify any waste stabilization pond until all persons living within a 1/4 mile radius of the system be notified in writing.

**2-7.2 Site.** Waste stabilization ponds shall be separated from other areas by distances equal to or greater than those shown in Table 2-1.

**Table 2 - 1**

<b>Area</b>	<b>Minimum Separation</b>
House it serves	100'
Other residential structures	250'
Applicant's private water supply well	50'
Property lines, including rights-of-way	100'
Public water supply well	200'
Public water transmission lines	25'

## **2-8 REQUIREMENTS FOR PRIVIES**

**2-8.1 Approval of Plans.** No person shall construct or modify any privy until the plans and specifications for the proposed construction and/or modification have been approved by the



Administrative Agency.

**2-8.2      Approval of Construction.** No person shall use, or make available for use, any newly constructed or modified privy until the construction has been inspected and approved by the Administrative Agency for compliance with approved plans.

**2-8.3      Proper Maintenance.** No person shall use, or offer for use, any privy that is not maintained in a clean and sanitary condition.

**2-8.4      Vault Required in Certain Areas.** In areas where the elevation of the groundwater is within four feet of the bottom of the pit, a watertight vault shall be provided in lieu of the standard pit.

**2-8.5      Location of a Privy Within 50 Feet of Well.** No privy shall be installed less than 50 feet from an existing well.

## **2-9      SANITARY SERVICES**

**2-9.1      Permit Required.** No person shall remove or transport any wastes from any wastewater system or privy, unless that person holds a valid permit from the Administrative Agency. Property owners may pump their own tanks, but must meet all state regulations for proper disposal.

**2-9.2      Contracting With Non-permitted Persons Prohibited.** No person responsible for ~~operating~~ a private wastewater system or privy shall contract with any person for sanitary service unless that person holds a valid permit.

**2-9.3      Minimum Standards for Sanitary Service Equipment.** All equipment used for rendering of sanitary service shall be of watertight construction and maintained in good working ~~condition~~. This ensures that all materials removed from private wastewater disposal systems or privies will be transported to an approved point of disposal without spillage of the waste.

## **2-10      WASTEWATER SYSTEM INSTALLER AND MAINTENANCE LICENSURE**

**2-10.1      License Required.** No person shall repair or install a private wastewater disposal system unless they hold a valid Wastewater System Installer and Maintenance License from the Administrative Agency. Property owners are exempt from the license requirements, but not exempt from code requirements.

**2-10.2      Application, Class, and Examination.** Every person wishing to obtain a Wastewater System Installer and Maintenance License shall make application for a license at the Administrative Agency. The applicant will be notified of the next class and exam date. A fee shall be paid to the Administrative Agency for the Wastewater System Installer and Maintenance Exam. A license shall be issued upon completion of the exam with a score of 70% or higher.

**2-10.3      License Fee.** An annual fee may be paid to the Administrative Agency by January 1 of ~~each~~ year, following the initial issuance of the Wastewater System Installer and Maintenance License.

**2-10.4      Continuing Education.** A requirement for continuing education is set for extended renewal of a Wastewater System Installer and Maintenance License. The Licensee must complete at least 2 hours of continuing education every five years starting at the time the first license is issued. The continuing education must be pertinent and related to wastewater. Continuing Education Units (CEU's) must be submitted to the Administrative Agency.

**2-10.5     Liability Requirements.** Before a license can be issued, the applicant must provide a certificate of insurance for liability coverage.

**2-10.6     Revocation of License.** A license issued under the provisions of this Chapter may be revoked for violation of any of the terms of this Code. No license shall be revoked until the license holder has been given notice in writing of the violation and reasonable opportunity to comply with the provisions of this Code.

**2-10.7     Reciprocity With Other Licensing Programs.** Licensure in other counties shall be reciprocal with licensure in Lincoln County if training, exam, and passing scores are equal to or greater than those required for licensure in Lincoln County.

**2-10.8     Contracting with Unlicensed Persons Prohibited.** No person responsible for operating a private wastewater system shall contract with any person for services unless that person has a valid permit or license to provide such services from the Administrative Agency.

**2-11       REQUIREMENTS FOR SUBDIVISION DEVELOPMENT** After adoption of this code no person shall develop any subdivision until the plans and specifications for on-site wastewater management have been approved by the Administrative Agency. If a subdivision has not had home-building occur within a 5 year period from the time it was submitted, the subdivision plans will be considered null and void. A new plan will need to be submitted and approved if further development is desired on the prior location.

**SANITARY CODE**  
**LINCOLN COUNTY, KANSAS**  
**CHAPTER 3**  
**NONPUBLIC WATER SUPPLIES**

**3-1      PURPOSE AND INTENT**

The provisions of this chapter are for the purpose of regulating and controlling the development, maintenance, and use of all water supplies other than Public Water Supplies in Lincoln County, Kansas in order that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.

**3-2      APPLICABILITY**

The provisions of this chapter shall apply to all unincorporated areas and to any premises under one ownership which is comprised of less than 1280 acres in area located in Lincoln County, Kansas.

**3-3      DEFINITIONS**

**3-3.1      Public Water Supply** means a system that has at least ten service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

**3-3.2      Nonpublic Water Supply** means all water supplies for human consumption not meeting the definition of Public Water Supply.

**3-3.3      Subdivision** means any tract of land that is or has been subdivided into two or more lots for the purpose of sale or building development, whether immediate or future, including the streets, alleys, or other portions thereof intended to be dedicated for public use, and any re-division of lands.

**3-4      REQUIREMENTS FOR NONPUBLIC WATER SUPPLIES**

**3-4.1      Permit.** No person shall develop any non-public water supply until a permit has been obtained from the Administrative Agency.

**3-4.2      Approved Plans.** No permit to develop a nonpublic water supply subject to regulations of this code shall be issued until the plans have been approved by the Administrative Agency. References approved by the State Department shall be used as a guide by the Administrative Agency in reviewing and approving plans for nonpublic water supply systems.

**3-4.3      Exemption.** No permit to develop a nonpublic water supply will be required when use of a well is for livestock or irrigation purposes.

**3-4.4      Nonpublic Water Supplies Which Serve Two to Nine Service Connections.** All nonpublic water supplies which serve two to nine service connections shall:

- a. mechanically chlorinate the water delivered to the connections; and,
- b. test for bacteriological quality at least every three months; and,
- c. maintain logs to verify chlorine residuals and bacteriological quality for a period of at least one year.

### 3-5 **MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES**

**3-5.1 Location.** All wells used as sources for nonpublic water supplies shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table I. Such distances may be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

**TABLE I**

**Minimum Separation Distance Between Nonpublic Water Supply  
Wells and Sources of Pollution**

Source of Pollution	Minimum Separation
Subsurface absorption field for septic tank effluent . . . . .	50 feet
Pit privy. . . . .	50 feet
Septic tank . . . . .	50 feet
Barnyards, stables, manure piles, animal pens, etc . . . . .	50 feet
Streams, lakes and ponds . . . . .	50 feet
Sewer lines, not constructed of cast iron or other equally tight construction . . .	50 feet
Sewer lines constructed of cast iron or other equally tight construction. . . . .	10 feet
Lagoons . . . . .	50 feet
Property lines . . . . .	25 feet
Petroleum and fertilizer . . . . .	50 feet
House/outbuildings . . . . .	25 feet

**3-5.2 Plugging Abandoned Wells.** No sale or conveyance of any real property shall be complete until the seller provides documented proof that all abandoned wells on such real property are plugged. Dug wells on real property shall be plugged in accordance with KAR 28-30-1 through 28-30-10 et seq., as amended.

**3-5.3 Construction and Enforcement.** Well construction and the enforcement of this section ~~of the~~ sanitary code shall be regulated in accordance with K.A.R. 28-30-1 through 28-30-10 et seq. as amended.

### 3-6 **WATERWELL PUMP INSTALLER AND MAINTENANCE LICENSURE.**

**3-6.1      License Required.** No person shall repair or install a waterwell pump unless they hold a valid Waterwell Pump Installer and Maintenance License from the Administrative Agency. Property owners are exempt from the license, but not exempt from provisions of the code.

**3-6.2      Application, Class, and Examination.** Every person wishing to obtain a Waterwell Pump Installer and Maintenance License shall make application for a license at the Administrative Agency. The applicant will be notified of the next class and exam date. A fee shall be paid to the Administrative Agency for the Waterwell Pump Installer and Maintenance Exam. A license shall be issued upon completion of the exam with a score of 70% or higher.

**3-6.3      License Fee.** An annual fee may be paid to the Administrative Agency by January 1 of each year, following the initial issuance of the Waterwell Pump Installer and Maintenance License.

**3-6.4      Continuing Education.** A requirement for continuing education is set for extended renewal of a Waterwell Pump Installer and Maintenance License. The Licensee must complete at least 2 hours of continuing education every five years starting at the time the first license is issued. The continuing education must be pertinent and related to waterwells. Continuing Education Units (CEU's) must be submitted to the Administrative Agency.

**3-6.5      Liability Requirements.** Before a license can be issued, the applicant must provide a certificate of insurance for liability coverage.

**3-6.6      Revocation of License.** A license issued under the provisions of this Chapter may be revoked for violation of any of the terms of this Code. No license shall be revoked until the license holder has been given notice in writing of the violation and reasonable opportunity to comply with the provisions of this Code.

**3-6.7      Reciprocity With Other Licensing Programs.** Licensure in other counties shall be reciprocal with licensure in Lincoln County if training, exam, and passing scores are equal to or greater than those required for licensure in Lincoln County.

**3-6.8      Contracting with Unlicensed Persons Prohibited.** No person responsible for operating a private well shall contract, or offer to contract, with any person for services unless that person holds a valid permit or license to provide such service from the Administrative Agency.

### **3-9      REQUIREMENTS FOR SUBDIVISION DEVELOPMENT**

After adoption of this code no person shall develop any subdivision until the plans and specifications for water supply provisions and/or protection have been approved by the Administrative Agency. If a subdivision has not had home-building occur within a 5 year period from the time it was submitted, the subdivision plans will be considered null and void. A new plan will need to be submitted and approved if further development is desired on the prior location.